

REMARKS

Claims 1-9 were elected with traverse, of which claim 1 is being amended, and claims 20-30 are being added. The amendments to claim 1 and the language of the added claims 20-30 are fully supported by the Specification, Drawings, and originally filed claims, and add no new matter. For example, the amendments to claim 1 are disclosed in paragraphs 22 and 23, and in the Drawings. Thus, the claim amendments and added claims add no new matter and their entry is respectfully requested.

In the Specification

The Specification is being amended to correct an obvious typographical error and supply some missing words in paragraph 19. Support for the added language is provided in the same paragraph, namely, paragraph 19. Thus, no new matter is added, and entry of the amendments to the Specification is also respectfully requested.

Election

The election of claims 1 to 9 is affirmed, with traverse, and claims 10-19 are being withdrawn without prejudice or disclaimer. Traverse is being made on grounds that the method claims contain limitations which are similar to the apparatus claims, namely, forming a cathode on the substrate, forming a cathode current collector comprising one or more conducting lines that contact the surface of the cathode, and forming an electrolyte that at least partially extends through the conducting lines of the cathode current collector to contact the cathode. Thus, it would be expedient for the Patent Office to examine both sets of claims in a single examination.

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Rejections Under 35 U.S.C. 102(b) of Claims 1-4 and 9

The Examiner rejected claims 1-4 and 9 under 35 U.S.C. 102(b) as unpatentable over U.S. Patent No. 5,670,272 to Cheu et al.

Cheu et al. teaches a battery package for a flat cell, and discloses a metal terminal 60 on a cathode layer 50, and a cathode current collector 70 in contact with the cathode layer 50. The electrolyte 40 is between the cathode and the anode layers.

Cheu et al. does not teach a battery comprising, inter alia, a cathode current collector comprising a plurality of conducting lines that contact the surface of the cathode, the conducting lines having spacings therebetween; and an electrolyte at least partially extending through the spacings between the conducting lines of the cathode current collector to contact the cathode.

Thus, because Cheu et al. does not teach each and every element of the claim, Cheu et al. does not anticipate claim 1 as amended, or the claims dependent therefrom. Thus, the Examiner is respectfully requested to withdraw the instant rejection.

Rejections Under 35 U.S.C. 103(a)

The Examiner rejected claims 5 and 6 under 35 U.S.C. 103(a) as being unpatentable over Cheu et al. as applied to claims 1-4 and 9, and further in view of U.S. Patent No. 4,565,753 to Goebel et al.

As explained, claim 1 is patentable over Cheu et al., because Cheu et al. does not teach a battery comprising a cathode current collector comprising a plurality of conducting lines with electrolyte in spacings therebetween. Goebel et al. does not make up for these deficiencies because Goebel et al. also does not teach such a current collector. Nor do either Cheu et al. or Goebel et al. provide any motivation for deriving such a current collector. Thus, it would not be obvious to derive Claim 1 or the claims dependent therefrom, from the combination of Cheu et al. and Goebel et al., and consequently, these

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claims are patentable.

The Examiner further rejected claim 7 under 35 U.S.C. 103(a) as being unpatentable over Cheu et al. as applied to claims 1-4 and 9, and further in view of U.S. Patent No. 3,844,841 to Baker et al.

Claim 1 is patentable over Cheu et al., because Cheu et al. does not teach a battery comprising a cathode current collector comprising a plurality of conducting lines with spacings therebetween and electrolyte extending between the spacing. Baker et al. does not make up for these deficiencies because Baker et al. also does not teach such a current collector and electrolyte. Nor do either Cheu et al. or Baker et al. provide any motivation for deriving such a current collector. Thus, it would not be obvious to arrive at Claim 1 or the claims dependent therefrom, from the combination of Cheu et al. and Baker et al., and consequently, these claims are patentable.

The Examiner further rejected claim 8 under 35 U.S.C. 103(a) as being unpatentable over Cheu et al. as applied to claims 1-4 and 9, and further in view of U.S. Patent No. 5,612,152 to Bates et al.

Claim 1 is patentable over Cheu et al., because Cheu et al. does not teach a battery comprising a cathode current collector comprising a plurality of conducting lines with electrolyte in spacings therebetween. Bates et al. does not make up for these deficiencies because Bates et al. also does not teach such a current collector and electrolyte. Nor do either Cheu et al. or Bates et al. provide any motivation for deriving such a current collector. Thus, it would not be obvious to arrive at Claim 1 or the claims dependent therefrom from the combination of Cheu et al. and Bates et al., and consequently, these claims are patentable.

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CONCLUSION

The pending and added claims are allowable at least for the reasons given above. The Examiner is respectfully requested to reconsider the present rejections and allow the pending claims. Should the Examiner have any questions, the Examiner is respectfully requested to telephone Applicant's representative at the number listed below.

Respectfully submitted,
JANAH & ASSOCIATES, P.C.

Dated: September 23, 2003

By: _____


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